

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

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JAMES ROBINSON
PETITIONER

EBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

EBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

VS.

CASE NO. 06-LU-1061-MHT

WARDEN JAMES DELOACH

RESPONDENTS

*****/

MOTION TO AMEND HABEAS CORPUS

Comes now James Robinson, and petitions the Honorable Judge to grant amending of the Habeas Corpus now filed. The following to wit :

I. STATE LAW-CONSTITUTIONAL CLAIM UNRESOLVED

THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENTS
GUARANTEES THAT GOVERNMENTAL CLASSIFICATION WILL NOT
BE BASED UPON IMPERMISSIBLE CRITERIA OR ARBITRARILY USED.

1. Robinson has presented a solid claim under Code Of Alabama 1975 § 13A-5-9.1 and 14-9-41(e). These two(2) Statutes of laws classifies Robinson and others in some manner.

2. There are three (3) equal protection violation which exist with both Statutes cited above, 13A-5-9.1 and 14-9-41(e).

(A). The first claim asserts that these two statutes discriminates on its face.

(B). The 2nd claim under equal protection. That the neutral application of these facially neutral statutes has a disparate impact.

(C). The 3rd claim of equal protection is that Respondents

are unequally administering a facially neutral statute.

Robinson have the Constitutional right to be treated by a State Agency in no significantly different manner from others who are members of the same class.

FACTS UNRESOLVED BY STATE OF ALABAMA

CONSTITUTIONAL FEDERAL RIGHTS U.S. AMENDMENTS

1.1. 13A-5-9.1 and 14-9-41(e) discriminates on its face. Robinson who is a inmate in Alabama Prison comes under Code of Alabama 1975 § 13A-5-9.1 Habitual Offender laws for full reconsideration of sentence imposed pursuant to 13A-5-9, where 13A-5-9 could not grant any form of discrimination as discussed by this Court in prior rulings handed down. 13A-5-9 mandatory language says: [M]ust. All who were sentenced under the mandatory provision are entitled to have the same relief and not be subject to discrimination by class distinction.

2. 14-9-41(e) amended by ACT 91-637 discriminates on its face. Inmates Habitual Offenders with 15 Years and less receive CIT Good Time, where 13A-5-9 defines all Habitual Offenders. Inmates with 3 priors and 15 years receives CIT Good Time. Robinson sentenced with 3 priors 25 years and Class C felony the same as 15 Years with Class C, 15 Year inmates receive CIT Good Time EOS in 4 Years 8 Months. Robinson is discriminated against and must do day for day for his sentence by EOS.

(A). Full discrimination exist and unanswered by Respondents.

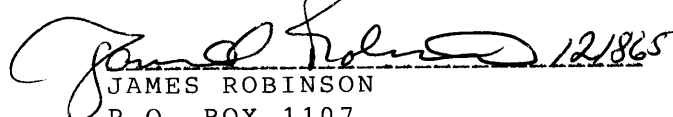
(B). Disparate acts exist and treatment with both Statutes by Respondents. Habitual Offenders are a class of inmates in Alabama Department Of Corrections. ACT 91-637 grants Habitual Offenders CIT Good Time by arbitrary acts altogether. Class arbitray acts exist, where one set of Habitual Offenders by sentence number alone can earn a deduction from sentence, then Respondents turn right around for the exact same set of class members by sentence number alone deny awarding CIT Good Time with no penelological interest existing at all.

(C). Respondents are giving CIT Good Time unequally with two statutes that are alleged to be facially neutral for all inmates.

RESPONDENTS HAVE REFUSED TO ADDRESS THESE ISSUES

1. The Court to serve Respondents with the claim and a full response be made before this Court and to Robinson.
2. Respondents to grant Robinson his rightful relief by awarding CIT Good time to his sentence for the Constitution violations which have taken place under Statute of law in State of Alabama.
3. To any and all relief to which Robinson is entitled.

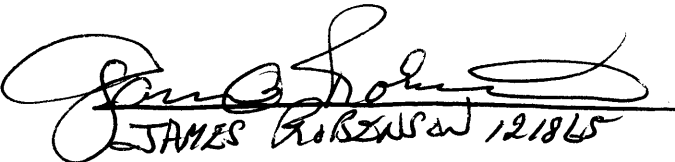
RESPECTFULLY


JAMES ROBINSON
P.O. BOX 1107
ELMORE, AL. 36025
DECEMBER 11, 2006

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY AND SAY THAT A COPY OF THE MOTION TO AMEND HABEAS CORPUS WAS MAILED TO ATTORNEY GENERAL TRAY KENC 11 SOUTH UNION STREET MONTGOMERY, AL. 36130. DONE THIS 11TH DAY OF DECEMBER, 2006. A COPY BEING PLACED IN PRISON OFFICIALS HANDS FOR PROPER POSTAGE AND MAILING. DRAPEL'S MAIL CLERK LEGAL MAIL SYSTEM. THIS IS TO CERTIFY THAT ON 12-18-06 THE CERTIFICATE PAGE #4 OF AMENDED PETITION HAS BEEN COMPLETED AND REMAILED BY MY SIGNATURE BELOW

ATTORNEY GENERAL TRAY KENC
11 SOUTH UNION STREET
MONTGOMERY, AL. 36130


JAMES ROBINSON 12/18/06